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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,182

01/23/2004

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/764,182	<b>Applicant(s)</b> SUNDMAN ET AL.	
	<b>Examiner</b> CAM-LINH NGUYEN	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 8 - 18, 20, 23 - 26, 28, 30 - 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 8 - 18, 20, 23 - 26, 28, 30 - 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/27/2008 has been entered.
2. Applicant's amendments to claims 1 – 32 are acknowledged. Consequently, claims 7, 19, 21, 22, 27, 29, and 32 have been cancelled. Claims 1 – 6, 8 – 18, 20, 23 – 26, 28, 30 – 31 are currently pending for further processing.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 17 – 18, 20, 23 – 26, 28, 30 – 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 17 is directed a system comprising a query engine and a data chart engine to perform a certain functions. However, Applicant fails to define the type of the engines. These engines can be software modules, and thus lack of a computer readable medium to carry out the functions. Therefore, claim 17 is nonstatutory under 35 U.S.C. 101.

Claim 25 is directed an apparatus comprising plurality of means. Claim 30 is directed to a computer readable medium comprising executable instructions. However, in the disclosure,

Applicant defined the computer readable medium as “electrical, acoustical or other form of propagated signals (carrier waves)” [paragraph 0025, also can be found in paragraph 00111].

Therefore, claims 25 and 30 are not tangible and thus nonstatutory.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 6, 8 – 18, 20, 23 – 26, 28, 30 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al (U.S. 2004/0252121 A1) in view of Li et al (U.S. 5,428,737).

♦ As per claims 1, 17, 25, 30

Bhatt discloses a method/ system/ apparatus comprising:

- “A query engine” (Fig. 5, element 15 of Bhatt) to “Receiving a data access query that combines a structured query language (SQL) clause, the data access query being provided by a first user” See Fig. 5, page 2, paragraph 0028 of Bhatt. In particular:
  - “A data access query” corresponds to “a database query” that used to generate the chart
  - A structured query language (SQL) (See page 8, paragraph 0075 of Bhatt). As defined in the Specification, page 20, paragraph 0067, “the output related characteristics are associated with corresponding data elements in the SELECT clause. In the instant reference, Bhatt disclose a method for predefined a chart

using SQL query. The SQL query must include clause such as SELECT clause and is used to retrieved chart data. Therefore, the query in Bhatt is a query that combines a structured query language (SQL) clause with output related characteristics of an output data chart into a statement.

- Output related characteristics of an output data chart corresponds to the data chart that going to be retrieved from the DB (Fig. 12, page 6, paragraph 0064 of Bhatt).
  - “The data access query being provided by a first user” corresponds to the user that provided the query at the design time (Fig. 12 of Bhatt).
- “Executing an SQL query to retrieve content from a database, the SQL query being extracted from the data access query” corresponds to “execute database queries that may, for example, be used at run time to extract data from a data source 150 for use in generating a graphical chart” (paragraph 0028, Bhatt).
- “Building the output data chart with the retrieved content for a second user using the output related characteristics from the data access query” See Fig. 10, and 12 of Bhatt. Bhatt teaches that the predefined chart is created and stored in the database (Fig. 12) and a second user (the user at run time in Fig. 10) would retrieve the predefined chart using the database query associated with the chart (Fig. 10).

Bhatt does not clearly teach “non-SQL data including output related characteristics including a definition of the output data chart”, and “extracting an SQL query”. However, this is a well-known technique in the art. Li provided an example. Li teaches “the parser can include resources to identify non-ANSI SQL statements” (col. 2, lines 3 – 18 of Li). It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Li

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into the invention of Bhatt because both invention are in the same field of endeavor, and the combination would provide the user more flexible on the way to display data retrieving from the database.

♦ As per claims 2, 18, 26, 31, Bhatt and Li discloses:

- “Wherein the first user is familiar with a database model of a database being queried and the second user is not familiar with the database model of the database being queried”.

There are different users in the Bhatt system, one is for design time and one is for run time. Therefore, the user in the design time must be familiar with the data model and the second user (run time) does not have to be familiar with the database model.

♦ As per claims 3, Bhatt and Li discloses:

- “Wherein the output data chart is one selected from the group consisting of a graph and a grid” See Fig. 1 – 4, paragraphs 0021 – 0025 of Bhatt.

♦ As per claims 4, 20, 28, Bhatt and Li discloses:

- “Wherein the output data chart includes related characteristics selected from the group consisting of one or more dimension elements of the output data chart ... data chart” See col. 2, lines 3 – 18 of Li.

♦ As per claims 5, Bhatt and Li discloses:

- “Wherein the data access query provides associations between database elements contained in the SQL clause with corresponding output related characteristics”. Because the query specifies the output related characteristics that stored in the database elements, the data access query (database query) must provides associations between database

elements contained in the data access query with corresponding output related characteristics.

♦ As per claims 6, Bhatt and Li discloses:

- “Further comprising providing an access query user interface to assist the first user” corresponds to the interface that allows the user to create the chart (See Fig. 5 – 9, paragraph 0034 of Bhatt).

♦ As per claims 8 - 12, 23 – 24, Bhatt discloses:

The limitations of these claims have been noted in the rejection of the above claims. Determine and create a particular chart based on user input (Fig. 6- 9, 12 of Bhatt), they are therefore, rejected as set forth above.

♦ As per claim 13, Bhatt and Li discloses:

- “Making the output data chart available for integration into a personalized web page of the second user” See Fig. 5, paragraph 0030 wherein the client device can be a mobile device.

♦ As per claim 14, Bhatt and Li discloses:

- “Restricting access to the output data chart to employee of a certain business division” See Fig. 5, wherein the user must login and enter the password in order to access the server through the network 20. Therefore, the system must restrict the access to the output data chart to employee of a certain business division.

♦ As per claims 15 - 16, Bhatt and Li discloses:

- These limitations are disclosed in Fig. 6, Fig. 12, and paragraph 0046 of Bhatt.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1 – 6, 8 – 18, 20, 23 – 26, 28, 30 - 31 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAM-LINH NGUYEN whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272 - 4080. The fax phone number for the organization where this application or proceeding is assigned is 571 – 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CamLinh Nguyen/  
Primary Examiner, Art Unit 2161